

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

This document relates to:

CANTOR FITZGERALD & CO., et al,
Plaintiffs,
v.

AKIDA BANK PRIVATE LTD., et al.,
Defendants.

MDL No. 03 MD 1570 (RCC)

NO. 04 CV 7065 (RCC)

PLEASE TAKE NOTICE, that pursuant to Rule 6(b) the undersigned will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order granting Defendant Dallah Al Baraka Group LLC (“Dallah”) leave to file out of time its Motion to Dismiss the First Amended Complaint (“FAC”) herein.

As detailed in the accompanying Memorandum of Law, Defense Counsel has been out of the country for the last couple of weeks and had optimistically hoped to achieve a voluntary dismissal of the FAC against Defendant Dallah, given that the allegations against Defendant Dallah in the FAC herein are no different than the allegations made against Defendants Saleh Kamel (“Kamel”) and Al Baraka Investment and Development Corporation (“ABIDC”) in the Burnett and Aston cases and given that the Court has already dismissed “in their entirety” all claims made against Defendants Kamel and ABIDC therein. However, in recent days Defendant Dallah has learned that Plaintiffs have rejected Defendant Dallah’s request for voluntary dismissal. Thus, there is a real need to move along disposition of this matter.

WHEREFORE, Defendant Dallah respectfully requests that the Court
grant its motion for leave to file out of time its Motion to Dismiss.

Dated: Washington, DC
June 9, 2005

MARTIN MCMAHON & ASSOCIATES

By: _____/s/_____
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